

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

ARLINGTON INDUSTRIES, INC.,)
Plaintiff,)
v.)
PLY GEM HOLDINGS, INC., PLY)
GEM INDUSTRIES, INC., MASTIC)
HOME EXTERIORS, INC. d/b/a)
MASTIC HOME EXTERIORS BY)
PLY GEM, and VARIFORM, INC.)
d/b/a PLY GEM SIDING GROUP)
and/or d/b/a VARIFORM BY PLY)
GEM,)
Defendants.)
Civil Action No.:)
Jury Trial Demanded)

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Arlington Industries, Inc., by and through its undersigned attorneys, brings this Complaint for Patent Infringement against Defendants Ply Gem Holdings, Inc., Ply Gem Industries, Inc., Mastic Home Exteriors, Inc. d/b/a Mastic Home Exteriors by Ply Gem, and Variform, Inc. d/b/a Ply Gem Siding Group and/or d/b/a Variform by Ply Gem (collectively, “Defendants”), and hereby alleges as follows:

Nature of the Action

1. This is an action for patent infringement under 35 U.S.C. §271 et seq., by Arlington against Defendants for infringement of United States Patent No. 6,965,078 (“the ’078 patent”).

The Parties

2. Plaintiff Arlington Industries, Inc. (“Arlington”) is a corporation organized and existing under the laws of the State of New York, with a principal place of business and headquarters located at 1 Stauffer Industrial Park, Scranton, Pennsylvania 18517.

3. On information and belief, Defendant Ply Gem Holdings (“PGH”) is a corporation organized and existing under the laws of the State of Delaware, with a principal place of business located at 5020 Weston Parkway, Suite 400, Cary, North Carolina 27513.

4. On information and belief, Defendant Ply Gem Industries, Inc. (“PGI”) is a corporation organized and existing under the laws of the State of Delaware, with a principal place of business located at 5020 Weston Parkway Suite 400, Cary, North Carolina 27513.

5. On information and belief, PGI is a subsidiary of PGH.

6. On information and belief, Defendant Mastic Home Exteriors, Inc. (“Mastic”) is a corporation organized and existing under the laws of the State of

Ohio, with a principal place of business located at 5020 Weston Parkway, Suite 400, Cary, North Carolina, 27513.

7. On information and belief, Mastic also does business as “Mastic Home Exteriors by Ply Gem.”

8. On information and belief, Mastic is a subsidiary of PGI.

9. On information and belief, Defendant Variform, Inc. (“Variform”) is a corporation organized and existing under the laws of the State of Missouri, with a principal place of business located at 5020 Weston Parkway Suite 400, Cary, NC 27613.

10. On information and belief, Variform also does business as “Ply Gem Siding Group” and as “Variform by Ply Gem.”

11. On information and belief, Variform is a subsidiary of PGI.

Jurisdiction and Venue

12. This is an action for patent infringement arising under the patent laws of the United States, Title 35 of the United States Code.

13. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§1331 and 1338.

14. This Court has personal jurisdiction over Defendants because Defendants have established minimum contacts within this forum such that the exercise of jurisdiction over them would not offend traditional notions of fair play

and substantial justice. On information and belief, Defendants derive substantial revenue from the sale of products, including those accused of infringement here, that are placed into the stream of commerce for sale within this District. Defendants also promote their infringing products on websites that they own and maintain, and which can be accessed by customers in this District. Defendants therefore expect or are in a position reasonably to expect their actions to have consequences within this District. Defendants also regularly transact business in this District and have committed and continue to commit acts of patent infringement here, as alleged in this Complaint.

15. Venue is appropriate in this District pursuant to 28 U.S.C. §§1391(b), 1391(c), and/or 1400(b).

Factual Background

16. For more than half a century, Arlington has been an industry leader in the development of unique and innovative electrical and communications products.

17. Today, after multiple plant expansions, Arlington's Scranton, Pennsylvania facility encompasses 5 acres under one roof.

18. Throughout its existence, Arlington has been firmly committed to new product development, monitoring the industry closely to develop products that offer very specific, but innovative solutions to jobsite problems and situations.

19. Arlington's commitment to innovation is easily recognized by the more than 400 new or unique products it has introduced since 2003.

20. Arlington has protected virtually all its unique and innovative products with both domestic and foreign patents, one of which is the '078 patent at issue here.

First Cause of Action
Infringement of U.S. Patent No. 6,965,078

21. Arlington incorporates by reference and realleges each of the allegations set forth in paragraphs 1-20 of this Complaint.

22. Arlington is the owner by assignment of all title, right, and interest in and to the '078 patent, entitled "Rainproof Recessed Outlet Box."

23. The '078 patent was duly and legally issued by the United States Patent and Trademark Office after a full and fair examination on November 15, 2005.. A true and correct copy of the '078 patent is attached hereto as Exhibit A.

24. Arlington practices the '078 patent with certain of its IN BOX™ line of weatherproof boxes, an example of which—Arlington's IN BOX™ DBHS1C model—is shown below:



25. Without authority from Arlington, Defendants make, use, sell, offer to sell, and/or import the UL Electrical Block with Lid (EBLOCKXL), pictured below, in the United States:



26. By their unauthorized making, using, selling, offering to sell, and/or importing the UL Electrical Block with Lid (EBLOCKXL), Defendants have been

and still are infringing one or more claims of the '078 patent, literally or under the doctrine of equivalents.

27. Defendants' unauthorized actions of making, using, selling, offering to sell, and/or importing the UL Electrical Block with Lid (EBLOCKXL) constitute direct infringement of Arlington's '078 patent. 35 U.S.C. §271(a).

28. By way of example only, Defendants' unauthorized actions of making, using, selling, offering to sell, and/or importing the UL Electrical Block with Lid (EBLOCKXL) constitute direct infringement of at least claim 7 of Arlington's '078 patent. 35 U.S.C. §271(a).

29. As a direct and proximate result of Defendants' infringement, Arlington has been, is being, and will be irreparably and monetarily damaged. If Defendants' actions are not permanently enjoined, Arlington will continue to suffer irreparable harm for which there is no adequate remedy at law.

Prayer for Relief

Wherefore, Arlington respectfully requests that the Court enter a judgment as follows:

- A. That Defendants have infringed the '078 patent;
- B. Awarding Arlington damages, including enhanced damages, pursuant to 35 U.S.C. §284, for Defendants' infringement of the '078 patent, in an amount to be determined at trial, but in no event less than a reasonable royalty;

- C. Awarding Arlington pre-judgment and post-judgment interest to compensate Arlington for the damages it has sustained;
- D. Preliminarily and permanently enjoining and restraining Defendants and their officers, agents, employees, and those acting in privity with them, from further infringement of the '078 patent;
- E. Awarding Arlington costs and disbursements for this lawsuit;
- F. Declaring that this is an exceptional case under 35 U.S.C. §285 and awarding Arlington reasonable attorney fees, costs, and expenses; and
- G. Awarding Arlington any further relief the Court deems just and proper.

Demand for Jury Trial

Arlington hereby requests that all issues be determined by a jury.

Dated: January 13, 2016

Respectfully submitted,

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